



MEMO ENDORSED

MICHAEL A. CARDOZO
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**THE CITY OF NEW YORK
LAW DEPARTMENT**

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April 25, 2008

Applicant granted
SO ORDERED
[Signature]
SDJ
4-25-08

Via Facsimile (212) 805-7949

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

Re: Glenn Johnson v. City of New York
07 CV 10698 (PKC)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the City of New York¹. I write to request an enlargement of the City's time to answer or otherwise respond to the amended complaint from its current due date of April 27, 2008 to May 21, 2008.

On or about April 23, 2008, plaintiff's counsel provided the undersigned with affidavits of service of the amended complaint for the individual defendants sued herein as "Police Officer Marisol Bonilla (shield # 899)", "Police Officer Erik Malek (shield # 26515)", and "Sergeant Francisco Moncoyo (shield # 2687)", which indicate that they were served on April 21, 2008. Without appearing on their behalf, or waiving any potential defenses, it is respectfully requested that the time to answer or otherwise respond to the complaint by Bonilla, Malek and Moncoyo also be enlarged 30 days from service, from April 21, 2008 to May 21, 2008. Plaintiff's counsel, Richard Cardinale, has consented to the request for an enlargement this request by the City as well as the individual defendants.


¹ Plaintiff has filed the above-referenced complaint, wherein he alleges that on October 18, 2007, he was falsely arrested and imprisoned by New York City police officers.

The additional time will enable the City to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent defendants Bonilla, Malek and Moncoyo. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

This is defendants' first request for an enlargement of time to respond to the amended complaint. The Court previously granted defendant City an enlargement to answer the complaint from December 24, 2007 to February 25, 2008. Accordingly, it is respectfully requested that defendants City, Bonilla, Malek and Moncoyo's time to respond to the amended complaint be extended from to May 21, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,


Joyce Campbell Privéterre (JCP 1846)
Assistant Corporation Counsel

cc:

Via Facsimile

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